CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

SEPTEMBER 4, 2007

INVOCATION:
Pastor Greg Kintzi of Gloria Dei Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Ortiz, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, Police Chief Macagni, Director of Utilities Sweet, and Records Coordinator/Deputy City Clerk Garietz.

RESOLUTIONS OF COMMENDATION
Mayor Lavagnino read a resolution commending Joan Walker for her years of devoted service as a member of the Landmark Committee.

Resolution No. 2007-118 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-118 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING JOAN WALKER FOR HER OUTSTANDING SERVICE TO THE RESIDENTS OF SANTA MARIA AS A MEMBER OF THE LANDMARK COMMITTEE.

Mayor Lavagnino presented the resolution to Joan Walker and thanked her for her dedication and commitment to the Landmark Committee and the City.

Mayor Lavagnino read a resolution commending Joe Johnson for his years of devoted service as a member of the Landmark Committee.

Resolution No. 2007-119 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-119 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING JOE JOHNSON FOR HIS OUTSTANDING SERVICE TO THE RESIDENTS OF SANTA MARIA AS A MEMBER OF THE LANDMARK COMMITTEE.

Mayor Lavagnino presented the resolution to Joe Johnson and thanked him for his dedication and commitment to the Landmark Committee and the City.

PROCLAMATION – SUICIDE PREVENTION MONTH
Councilmember Patino read a proclamation declaring the month of September 2007 as "Suicide Prevention Month" in the City of Santa Maria and encouraging the residents of Santa Maria to recognize that suicides are a public health problem and suicide prevention is a community responsibility. The proclamation was accepted by Joni Kelly and Heidi Ortiz.

Mayor Lavagnino announced there were no requests for translation services and reminded that if translation services were required to contact the City Clerk's office.

PUBLIC COMMENT
There were no requests to speak.

CONSENT CALENDAR
Consent Calendar Items A through H were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of August 21, 2007, were approved as submitted.

C. WARRANTS
Warrant Nos. 136528 to 136820 in the amount of $1,472,921.41 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 136409 and 136532 were canceled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. GROWTH MITIGATION ANNUAL COMPLIANCE REPORT
The Council received and filed the annual Growth Mitigation Compliance Report.

F. ASSUMPTION AGREEMENT
Resolution No. 2007-120 was adopted approving the execution of an Assumption Agreement with VBC Vizcaya, LP and California Investors XII, pertaining to the Vizcaya Apartments (formerly Meridian Apartments).

Resolution No. 2007-120 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ASSUMPTION AGREEMENT WITH VBC VIZCAYA, LP.

G. ORDINANCE NO. 2007-18
Council conducted the second reading and adopted Ordinance No. 2007-18 approving an amendment to a previously approved Development Agreement with Inland Pacific

Builders for the reimbursement of additional costs to construct Main Street to the ultimate width on both sides of the roadway from Suey Road through the intersection of Main Street and Panther Drive and to construct Panther Drive to full width on the east side of Main Street.

Ordinance No. 2007-18 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH INLAND PACIFIC BUILDERS FOR THE MAIN STREET AND PANTHER DRIVE WIDENING ASSOCIATED WITH THE LA VENTANA PROJECT TRACT 5886 LOCATED AT THE NORTHWEST CORNER OF MAIN STREET AND PANTHER DRIVE.

H. CROSSWALK

Resolution No. 2007-121 was adopted approving the establishment of a painted pedestrian crosswalk at the intersection of Foxenwood Lane and Wellington Drive.

Resolution No. 2007-121 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING ESTABLISHMENT OF A CROSSWALK AT FOXENWOOD LANE AND WELLINGTON DRIVE PURSUANT TO SECTION 21106 OF THE CALIFORNIA VEHICLE CODE.

Mayor Lavagnino announced that he was moving the Appointments to the Landmark Committee item up on the Agenda for consideration.

APPOINTMENTS TO THE LANDMARK COMMITTEE

Records Coordinator/Deputy City Clerk Garietz gave the staff report. There are currently two vacancies on the Landmark Committee due to the resignations of Joan Walker and Joe Johnson. The Landmark Committee is a five-member Committee that advises the City Council on preservation and designation of historical landmarks. Appointments are made by the Mayor and confirmed by the City Council. The term of office is usually three years. However, these two vacancies will fill unexpired terms which will expire in January 2009 and January 2010. Applicants must be City residents. Seven applications were received by the filing deadline from the following City residents: Maria Dupras, Richard Hall, Marjorie Martin, Sharon McConnell, Barry Sigman, James (Andy) Watson and JoAnn Wilson.

Mayor Lavagnino suggested that those applicants who would not be appointed this time, be asked to reapply in January 2008 when there would be other vacancies on other Boards and Committees.

Mayor Lavagnino appointed Marjorie Martin and JoAnn Wilson to fill the unexpired terms on the Landmark Committee.

On motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarias, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Marjorie Martin and JoAnn Wilson were appointed to the Landmark Committee.

VACATION OF PUBLIC SERVICE EASEMENT

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is asked to consider the vacation of a portion of a public service easement around Well 2AS, located on an existing industrial property approximately 250 feet east of Industrial Parkway. Well 2AS is currently out of service as it is not appropriate for potable water purposes. The Utilities Department wishes to maintain the well in the event that it is needed in the future for ground water flushing or possible irrigation, but the entire easement is not necessary. The property owner at 2936 Industrial Parkway has requested that the City vacate its interests in a portion of the easement. The

Utilities Department has met with the property owner and negotiated an agreement for the proposed partial abandonment of the easement. The agreement stipulates that the applicant will pay the City $5 per square foot for the abandonment of the well property for a total amount of $38,530.00. The agreement also requires that the applicant relocate the existing perimeter fence, relocate the well discharge line, and demolish the existing well house. On June 6, 2007, the Planning Commission adopted Resolution No. 2469, finding that the proposed vacation was in conformance with the City's General Plan.

Mayor Lavagnino asked what made the Well inappropriate for potable water use purposes.

Director of Public Works/City Engineer Whitehead responded that there had been a contamination issue.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Zacarías asked if vacating an easement was the same as selling a piece of property.

Director of Public Works/City Engineer Whitehead explained that an easement was a right and not an ownership-in-fee of property. The City owns the easement and was abandoning the right to it, so that over the piece of fee-owed property that right will no longer exist.

Mayor Lavagnino stated that vacating the easement would remove it from the title report for the property.

Councilmember Zacarías asked if the City be able to utilize the easement in the future once it was vacated and would vacating the easement also remove all potential liability issues for the City.

Director of Public Works/City Engineer Whitehead confirmed that the City would not be able to utilize the easement again in the future and vacating the easement would alleviate the liability issues associated with it.

Resolution No. 2007-122 was adopted vacating a portion of the water well easement on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-122 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, VACATING A PORTION OF A PUBLIC SERVICE EASEMENT, RESERVING THE REMAINDER TO THE CITY OF SANTA MARIA, AND PRESCRIBING TERMS FOR THE VACATION.

PROPOSED SPEED LIMITS

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is asked to consider an ordinance establishing new speed limits in three locations. The three locations are: (1) Blosser Road between Stowell Road on the north and Betteravia Road on the south to be reduced from 50 mph to 45 mph; (2) Fairway Avenue between Skyway Drive on the east and A Street on the west to be set at 40 miles per hour; and (3) Jones Street between Suey Road on the east and Bradley Road on the west to be set at 40 miles per hour. To utilize radar to enforce speed limits on roadway segments, the City is required by the California Vehicle Code to identify the prevailing speeds and post speed limits consistent with the prevailing speeds. Studies establishing the prevailing speeds must be performed every five years. The segments

identified with this study fall into two categories: they need to be studied to meet the five-year requirements, or they are roadway sections that have not been studied before. Twenty speed surveys were conducted on different roadway segments throughout the City. Updated speed surveys studied to meet the five-year requirement were completed for 18 roadway segments whose speed surveys will expire in 2007. Two of the 20 roadway segments surveys are new. Seventeen of the roadway segments had no change recommended to the speed limit previously adopted by the City Council.

One of the road segments on Blosser Road between Stowell Road and Betteravia Road is recommended to be revised from 50 mph to 45 mph. This change stems from the development that has occurred on Blosser Road within the last five years. Several hundred single family and multi-family homes have been developed along Blosser Road between Betteravia Road and Stowell Road. Development within the next year along Blosser Road would include a modular housing development and a commercial center. As a result of the recent development two traffic signals were installed at Blosser Road and Carmen Lane and at Blosser Road and Battles Road. Additionally, a future traffic signal is proposed to be installed at the intersection of Blosser Road and La Brea. After the preparation of the staff report, staff was particularly concerned with the speed survey results on South Blosser Road, so further speed surveys were conducted to gather a larger sample. The results showed that the critical speed was higher than that indicated in the staff report, coming in at 47.80 as opposed to the figure of 44.29 listed in the staff report. Therefore, the 45 mph recommendation is enforceable by radar. Staff expects significant new development along this portion of S. Blosser Road in the near future, which may change vehicle speeds and turning movements. Staff will continue monitor this location, and may come back to the City Council within the next 2-5 years with a further recommendation.

The Fairway Avenue and Jones Street segments are new roadway segments. With the expected new development along that portion of South Blosser Road in the near future, a change in vehicle speeds and turning movement may occur. Staff would continue to monitor the location and may come back to City Council within the next two to five years with a further recommendation.

Mayor Lavagnino commented about the traffic coming from Pioneer High School on Suey Road and asked that traffic be monitored in that area. He indicated that he travels through that area a couple of times a week and the traffic is always backed up, particularly at the 8:00 a.m. hour. The traffic is gone by 8:30 a.m., but he believes it is an area to be watched.

Ordinance No. 2007-19 amending Title 7, Chapter 7-4 of the Santa Maria Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ordinance No. 2007-19 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

SOLID WASTE COLLECTION RATE STUDY

Director of Utilities Sweet gave the staff report. On July 3, 2007, the City Council approved staff's recommendation to suspend a five percent annual rate increase for landfill charges and a five percent annual rate increase for solid waste collection pending a rate study being completed. Recently, the City released a Request for Proposals (RFP) that detailed professional services for performing a solid waste collection and disposal rate study. The goal of the rate study was to provide a comprehensive rate structure analysis by a professional firm that has conducted numerous rate structure and solid waste operations analyses. The Request for

Proposals was sent to 11 companies, five of which responded with a complete proposal. The five proposals were evaluated by a panel consisting of members from the Utilities and Administrative Services Departments. The selection panel ranked SCS Engineers as the top consultant. Their proposal not only addressed all requirements in the RFP, but their firm has many years of experience in conducting rate studies and evaluating private and municipal solid waste operations. This item is being presented to Council for approval because this RFP affords the opportunity to reexamine the true cost of services for solid waste collection and disposal. The rate study will serve as a critical tool to continue to monitor the cash flow for the Solid Waste Fund. Additionally, refuse collection fees are considered property-related fees subject to Proposition 218 procedures just as water and sewer rates have been determined to be. Under the current State law, landfill disposal fees are not subject to Proposition 218 requirements as they are not considered property-related. Staff is recommending the City Council authorize the Director of Utilities to enter into a professional services agreement with SCS Engineers to conduct the rate study.

Councilmember Orach commented on deferring the pick up of green waste, and use of the green waste containers. He asked if it would be part of the study.

Director of Utilities Sweet answered that staff was very interested in implementing a green waste program. There was limited time left in the City's landfill so it would become a factor of trying to preserve as much of the existing space as possible. Extending that time, would provide more time to complete the permitting process of the new landfill at Los Flores. A green waste program sounded simple to do until you started getting into it. There were a number of approaches, and one would involve reducing the size of the residual (trash) container. It is a complex issue.

Councilmember Trujillo asked how often a study was conducted and how that was determined.

Director of Utilities Sweet answered that an in-house study was completed eight years ago which was when the rate structure was established. Staff was looking at a more aggressive approach on the financial situation. Staff wanted to have community participation in evaluating how the numbers were determined, and then to have an aggressive approach in assessing those numbers. He stated that the City didn't want to raise rates too fast, nor get into a situation where the rates were not raised enough to cover our expenses. Quarterly review of the financial standings was done. A review of the solid waste rates would be conducted more often than every eight years from now on because the programs in solid waste were changing so quickly. Staying up to date with knowing what was divertible waste and what should be disposed of would be key to the landfill's longevity.

Councilmember Trujillo asked about getting the public's input, and how that was proposed to be done.

Director of Utilities Sweet responded that a draft study would be completed, and then around the first quarter of next year staff would start meeting with the public. With the water, sewer and solid waste rates, he would like to have a lot more community input.

Councilmember Patino asked if there had been an increase in large items being brought to the landfill. She stated that she was not seeing a lot of items on the country roads like she used to.

Director of Utilities Sweet responded that there had been a climb in all of the disposal items. Items that were being landfilled had decreased, but the amount of material that comes through the gate was accelerating at a rate of two to three percent per year showing that more of the percentage of items was being diverted from the landfill.

Mayor Lavagnino asked what the expected timeframe for completion of the study was.

Director of Utilities Sweet answered that he would like to have a draft of the initial study by January 2008 so that staff could start engaging the public in the process. Because of

the Proposition 218 provisions, the public hearing would be advertised in early February 2008, so the hearing would occur by the end of March or early April 2008. If a rate increase would be required, that would be expected to take place in July 2008.

Joan Leon, Santa Maria Community Coalition, commented on the scope of work for the solid waste evaluation and asked if it included the non-hydrocarbon impacted soils (NHIS) program. She also provided a list of questions relating to recycling, alternative daily cover (ADC), sewage sludge containing heavy metals, and how the workshops with the public would be handled. She provided this list to Director of Utilities Sweet.

Mayor Lavagnino instructed that staff communicate the answers to Mrs. Leon's questions.

Councilmember Zacarías asked if NHIS was included in the program, and if Mrs. Leon's questions could be briefly addressed.

Director of Utilities Sweet responded that NHIS plays a large part in diverting costs which would have gone to the landfill closure fund. The original landfill closure cost estimate was $34 million and that estimate has been downsized to $17 million, which was why there had been no rate increases. The $17 million had provided the cushion to operate without a fee increase. He indicated that parts of the recycling program were operated by different people, some by City employees onsite, and the portion where materials were sorted for recycling was contracted with Health Sanitation. He explained the process for the use of ADC and indicated that some of the material used was ground green waste and ground up construction demolition waste. To maximize space in the landfill, using a tarp system was another alternative being looked into. He explained that the biosolids (wastewater sludge) come to the landfill from the City's wastewater treatment plant and were used as a soil amendment. He explained that the workshops with the public were expected in early 2008. He said he anticipated that there would be some difficulty in communicating the finances of the enterprise funds to the public, and was hoping that staff would be able to hold the public's attention long enough to get through the complexities of the funds.

City Manager Ness added that the project task list provided in the staff report included a scope of work from the consultant which resulted from a request for proposals. Public workshops weren't included because those workshops would be handled in-house by City staff, as opposed to a consultant.

Director of Utilities Sweet also added that the consultant may be asked to respond to ideas that come from the public workshops, but had not been asked to be included in the workshops.

Councilmember Zacarías confirmed with Director of Utilities Sweet that the study would be on solid waste collection and disposal rates, and simultaneous to that would be an evaluation of water and waste water rates handled by Triton Water. The goal of the workshops would be to discuss solid waste collection and disposal and water rates.

Resolution No. 2007-123 authorizing the Director of Utilities to enter into an agreement with SCS Engineers was adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2007-123 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF UTILITIES TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT TO CONDUCT A STUDY ON SOLID WASTE COLLECTION AND DISPOSAL RATES, AND AUTHORIZE THE DIRECTOR OF ADMINISTRATIVE SERVICES TO EXPEND

FUNDS WITHIN THE CURRENT APPROVED BUDGET TO COVER THE RELATED EXPENSE.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the September 18, 2007, City Council meeting including a tenant-based rental assistance program guidelines report, an award of bid on the Alvin Avenue and Railroad Avenue Traffic Signal project, and four items from the Traffic Committee.

Mayor Lavagnino asked Fire Chief Ortiz to give a brief report on a structure fire at A & A Farms. He congratulated the Fire Chief and his men for doing such a tremendous job to put out the fire.

Fire Chief Ortiz gave a report indicating that the City's fire crews responded to a structure fire on West Main Street at A & A Farms. It was approximately one half mile outside the city limits. The City's fire crews responded thinking that it was within the city limits. When they arrived, they realized that there was no water supply, there were farm implements, there was a lot of clutter and fire load, it had been used for pesticide storage, and it had limited access. They worked quickly to separate the fire from the pesticides and remove the fire load. He also indicated that his crews generally had fire hydrants and fixed water sources to use, but in this case they had to shuttle water in trucks from approximately one and one half miles away. The business was saved as a result of the work the fire crews had done. He thanked his fire crews for doing such a great job and thanked the Council for the opportunity to say so.

Councilmember Orach mentioned that the fire crews did not have the benefit of knowing the layout or contents of the building. With structures in the City's jurisdiction, inspections were made regularly and flammables were noted, so in the event of a fire they would know exactly what they were dealing with. This fire crew didn't have the benefit this information and went to the structure blind. It was a very dangerous situation.

Fire Chief Ortiz reminded that when the firefighters were not fighting fires, they were going out during the day and weekends looking at buildings, particularly target hazards and noting potential fire issues.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach announced that he had attended a tennis tournament at the Santa Maria Country Club which hosted professional and rookie players for three days. He indicated that he had attended the social hour and spoke to the attending guests inviting them back to Santa Maria.

Councilmember Zacarías announced that she would be attending the League of California Cities Annual Conference later in the week. She also discussed traffic issues at East Donovan and the freeway. She explained that there were only two ways out of the neighborhood, off of Alvin and off of Donovan; and people accessed the freeway off of Donovan. She indicated that many people did not know how to use the turn lane that had been created on Donovan, and traffic backed up into the Pepperwood development. She thought that it was a real hazard and asked if some education could be done on how to use the turn lane.

Mayor Lavagnino asked Director of Public Works/City Engineer Whitehead to take a look at the two intersections. He thought maybe some type of signage could be posted that may help the issue. He requested that Mr. Whitehead report back to him and Councilmember Zacarías as to what could be done to help the situation.

Mayor Lavagnino announced that he would be adjourning the City Council meeting in honor of two citizens of Santa Maria: Dale Scott, a teacher in Santa Maria for many years, and Clara Chambers, a women who often attended meetings. She lost her battle with cancer and passed away this week.

Councilmember Patino announced that she attended a class reunion for Santa Maria High School over the past weekend.

Councilmember Trujillo did not have any announcements.

CLOSED SESSION
Mayor Lavagnino announced that the Closed Session for Conference with Legal Counsel - regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District (SMVWCD) v. City of Santa Maria had been canceled.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 7:30 p.m. in honor of Dale Scott and Clara Chambers.

APPROVED

9-18-07
Date

Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria